



Nevada State Board of Medical Examiners

* * * MINUTES * * *

OPEN SESSION BOARD MEETING

Held in the Conference Room at the offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, NV 89502

and videoconferenced to

the conference room of the Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118

FRIDAY, AUGUST 7, 2009 – 8:15 A.M.

Board Members Present

Charles N. Held, M.D., President
Benjamin J. Rodriguez, M.D., Vice President
Renee West, Secretary-Treasurer
Jean Stoess, M.A.
S. Daniel McBride, M.D.
Van V. Heffner

Board Members Present by Telephone

Javaid Anwar, M.D.

Board Members Absent

Sohail U. Anjum, M.D.
Beverly A. Neyland, M.D.

Mailing Address: P.O. Box 7238 • Reno, Nevada 89510-7238
Physical Address: 1105 Terminal Way, Suite 301 • Reno, Nevada 89502-2144
(775) 688-2559 • Fax (775) 688-2321
E-mail: nsbme@medboard.nv.gov • Website: www.medboard.nv.gov

Staff Present

Louis Ling, J.D., Executive Director
Edward O. Cousineau, J.D., General Counsel
Lyn E. Beggs, J.D., General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Douglas C. Cooper, Chief of Investigations
Shawna Rice, Compliance Officer/Investigator
Lynnette L. Daniels, Chief of Licensing
Carolyn H. Castleman, Deputy Chief of Licensing
Jerry C. Calvanese, M.D., Medical Reviewer

Also Present

Keith Marcher, J.D., Senior Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Charles N. Held, M.D., at 8:20 a.m.

Dr. Held took roll call, and the following Board Members were absent: Sohail U. Anjum, M.D., Javaid Anwar, M.D. and Beverly A. Neyland, M.D. Dr. Held announced that there was a quorum.

Agenda Item 2

APPROVAL OF MINUTES

- May 8 & 9, 2009 Board Meeting – Open/Closed Sessions
- May 14, 2009 Telephone Conference Call Board Meeting – Open Session
- July 1, 2009 Board Meeting – Open Session

Dr. Rodriguez moved to approve the Minutes of the May 8 & 9, 2009 Board Meeting – Open/Closed Sessions. Ms. Stoess seconded the motion, and it passed unanimously.

Mr. Heffner moved to approve the Minutes of the May 14, 2009 Telephone Conference Call Board Meeting – Open Session. Dr. Rodriguez seconded the motion, and it passed unanimously.

Ms. Stoess moved to approve the Minutes of the July 1, 2009 Board Meeting – Open Session. Dr. Rodriguez seconded the motion, and it passed unanimously.

Agenda Item 3

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ADEKUNDLE AJAYI, M.D.*, BME CASE NO. 08-28519-1

- Keith Marcher, J.D., Senior Deputy Attorney General

OPEN SESSION

Dr. Anwar joined the meeting by telephone at 8:25 a.m.

Mr. Marcher named the members of the Investigative Committee who reviewed the case. He then summarized the facts of the case, which alleged malpractice, and asked the adjudicating Board Members whether they had reviewed the information provided relative to the adjudication. All indicated they had.

Discussion ensued concerning Dr. Ajayi's treatment of the patient and whether it fell below the standard of care.

Ms. Stoess moved that the Board find Dr. Ajayi guilty of malpractice. Dr. Held seconded the motion, and it passed, with Dr. Held, Ms. West, Dr. Anwar, Ms. Stoess and Mr. Heffner voting in favor of the motion and Dr. Rodriguez voting against the motion.

Dr. Held moved that Dr. Ajayi receive a public reprimand and that he reimburse the Board's costs and expenses incurred in the prosecution of the case against him, payable within 60 days.

Mr. Cooper stated the costs incurred by the Board in the investigation were \$12,978.97.

Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 4

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS* vs. *CARLOS ERMOCILLA, M.D.*, BME CASE NO. 09-29672-1

- Keith Marcher, J.D., Senior Deputy Attorney General

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. Rodriguez presided over the matter.

Mr. Marcher summarized the facts of the case, which alleged malpractice, and asked the adjudicating Board Members whether they had reviewed the information provided relative to the adjudication. All indicated they had.

Discussion ensued concerning Dr. Ermocilla's treatment of the patient and whether it fell below the standard of care.

Dr. McBride moved that the Board find Dr. Ermocilla guilty of malpractice. Mr. Heffner seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Mr. Cooper stated the costs incurred by the Board in the investigation were \$9,351.29.

Dr. McBride moved that Dr. Ermocilla receive a public reprimand and that he reimburse the Board's costs and expenses incurred in the prosecution of the case against him, payable within 60 days. Mr. Heffner seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 5

CONSIDERATION OF REQUEST OF FADI HAMWI, M.D. FOR RECONSIDERATION
OF IMPOSITION OF DISCIPLINE IN THE MATTER OF *THE NEVADA STATE BOARD
OF MEDICAL EXAMINERS VS. FADI HAMWI, M.D.*, BME CASE NO. 08-12826-1

- Keith Marcher, J.D., Senior Deputy Attorney General

OPEN SESSION

Dr. Hamwi's attorney, Hal Taylor, Esq., appeared on behalf of Dr. Hamwi.

Dr. Held named the adjudicating Board Members and noted that Dr. Anwar was not present, but was not needed for a quorum.

As Dr. Held was not an adjudicating member for this adjudication, Dr. Rodriguez presided over the matter.

Dr. Rodriguez explained that Dr. Hamwi left the country to practice in Dubai, left a lot of charts undone and did not notify the Board he had left. The Board could not reach him to help him correct the problem. By the time Dr. Hamwi contacted the Board, it was too late for the Board to consider the information at its adjudication. The Board suspended his license and now he cannot renew his Boards due to that suspension. He did not do anything egregious other than leave records undone, and he can't return to correct the records because he doesn't have a visa. He is requesting that the Board change his status to "terminated" so he can renew his Boards.

Mr. Taylor stated that Dr. Hamwi does not contest the underlying violations, as they are true. Dr. Hamwi has paid his fine and costs and he hopes that in light of this new information, the Board will consider his proposal as a reasonable way to resolve the matter.

Discussion ensued concerning the facts surrounding Dr. Hamwi's departure from the country.

Discussion ensued concerning the licensure status of "terminated."

Discussion ensued concerning the terms of a new order to be prepared by Dr. Hamwi's counsel, which would redact the suspension language in the original order and add terms that will address the petition for judicial review.

Dr. McBride moved that the Board grant Dr. Hamwi's request that the suspension language in the February 2009 Findings of Fact, Conclusions of Law and Order be redacted and a new order be prepared by Dr. Hamwi's counsel that will be reflective of the terms discussed previously. Ms. West seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 6

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DOUGLAS ROSS, M.D.*, BME CASE NO. 07-18619-1

- Edward O. Cousineau, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members and noted that Dr. Anwar was not present.

Mr. Cousineau stated that after the formal complaint had been filed, discussions had been held with counsel for Dr. Ross. Through those discussions, a question arose as to whether the duty to further investigate the EKG rested upon Dr. Ross or the hospitalist who took over care for the patient after the patient's transfer. Therefore he was recommending that the Board accept the proposed settlement. He then described the terms of the settlement agreement.

Ms. Stoess moved that the Board accept the settlement as presented. Dr. Rodriguez seconded the motion.

Discussion ensued concerning the facts of the case and whether settlement was appropriate in the matter.

A vote was taken on the motion, and it passed, with Dr. Held voting against the motion and all other adjudicating Board Members voting in favor of the motion.

Agenda Item 7

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LONNIE HAMMARGREN, M.D.*, BME CASE NO. 08-3900-1

- Lyn E. Beggs, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members and noted that Dr. Anwar was not present.

Dr. Rodriguez recused himself from consideration of the matter.

Ms. Beggs described the facts of the case. The complaint charged one count of malpractice. Dr. Hammargren vehemently contests the allegations and is not admitting to any wrongdoing, but he does agree the Investigative Committee had a reasonable basis to proceed with the case. The settlement agreement provides that he will reimburse the Board \$2,620.72 in costs and will not perform any more surgeries.

Discussion ensued concerning the facts of the case and whether the proposed settlement terms were appropriate under the circumstances.

Ms. Stoess moved that the Board accept the settlement as presented. Ms. West seconded the motion, and it failed, with Ms. Stoess voting in favor of the motion and Dr. Held and Ms. West voting against the motion.

Dr. Held moved that the Board reject the settlement as presented. Ms. West seconded the motion, and it failed, with Dr. Held and Ms. West voting in favor of the motion and Ms. Stoess voting against the motion.

Ms. West moved that the Board reject the settlement as presented. Dr. Held seconded the motion, and it passed, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 8

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JANET ALBRIGHT, M.D.*, BME CASE NO. 09-8180-1

- Edward O. Cousineau, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members and noted that Dr. Anwar was not present.

Mr. Cousineau described the facts of the case and the terms of the proposed settlement agreement.

Dr. Held moved that the Board accept the settlement as presented. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 9

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. FARRUKH IMTIAZ, M.D.*, BME CASE NO. 08-19156-1

- Lyn E. Beggs, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating members Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Ms. Beggs described the facts of the case and the terms of the proposed settlement agreement.

Discussion ensued concerning the facts of the case and whether Dr. Imtiaz's care of the patient fell below the standard of care.

Discussion ensued concerning the terms of the proposed settlement agreement and whether they were appropriate in light of the underlying facts in the case.

Dr. McBride moved that the Board accept the settlement as presented. Mr. Heffner seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 10

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MARIBEL MONROE, M.D., BME CASE NO. 08-12142-1

- Edward O. Cousineau, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Mr. Cousineau described the facts of the case and the terms of the proposed settlement agreement. He stated he believed the outcome would be the same if the matter were to go to hearing.

Mr. Heffner moved that the Board accept the settlement as presented. Dr. Anwar seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 11

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RONALD FOOTE, M.D., BME CASE NO. 08-12899-1

- Edward O. Cousineau, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Dr. Anwar stated that he was recusing himself from consideration of the matter because Dr. Foote had sought medical treatment from him in the past.

Mr. Cousineau named the remaining adjudicating Board Members and then described the facts of the case and the terms of the proposed settlement agreement. He stated that matters similar to this were often disposed of at the Investigative Committee level. He believes that

Dr. Foote recognizes he was erroneous in his reporting on various instances and is willing to acknowledge wrongdoing, and the proposed settlement was more onerous than that for similar failures to report.

Mr. Heffner moved that the Board accept the settlement as presented. Ms. West seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 12

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RODNEY HANDSFIELD, M.D., BME CASE NO. 08-9489-1

- Edward O. Cousineau, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Mr. Cousineau stated this was an out-of-state action and described the terms of the proposed settlement agreement. He stated he believed the outcome would be the same if the matter were to go to hearing.

Mr. Heffner moved that the Board accept the settlement as presented. Ms. West seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 13

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ADRIAN ADRIAN, M.D., BME CASE NO. 09-30321-1

- Edward O. Cousineau, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Ms. West presided over the matter.

Dr. McBride stated he was recusing himself from consideration of the matter because there had been an issue involving Dr. Adrian at a hospital and Dr. McBride was part of the process.

Mr. Cousineau stated this was an out-of-state action and described the terms of the proposed settlement agreement.

Discussion ensued concerning how the Board could be assured of Dr. Adrian's competency when he returned to performing the procedures he would not be allowed to do for three to five years.

Mr. Heffner moved that the Board accept the settlement as presented. Ms. West seconded the motion, and it passed, with Ms. West and Mr. Heffner voting in favor of the motion and Dr. Anwar voting against the motion.

Agenda Item 14

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. VANESSA BENES, P.A.-C, BME CASE NO. 08-338-1

- Lyn E. Beggs, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Ms. Beggs described the facts of the case and the terms of the proposed settlement agreement.

Mr. Heffner moved that the Board accept the settlement as presented. Dr. McBride seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 15

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. AARON GOODRUM, M.D., BME CASE NO. 09-31733-1

- Lyn E. Beggs, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Ms. Beggs stated this was an out-of-state action and described the facts of the case and the terms of the proposed settlement agreement.

Discussion ensued concerning the actions taken against Dr. Goodrum's licenses in Florida and Missouri and regarding the fact that the underlying facts of the case in Florida were not available to the Board because they were not part of the case before the Board. Discussion ensued concerning whether there was a time limit on the requirement that Dr. Goodrum participate in a Diversion Program if he were to return to Nevada to practice.

Mr. Heffner moved that the Board accept the settlement as presented. Dr. Anwar seconded the motion, and it passed, with Ms. West, Dr. Anwar and Mr. Heffner voting in favor of the motion and Dr. McBride voting against the motion.

Agenda Item 16

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. PRAKASH CHAUDHARI,
M.D., BME CASE NO. 09-12595-1

- Lyn E. Beggs, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Ms. Beggs described the terms of the proposed settlement agreement.

As Dr. Held was not an adjudicating member for this adjudication, Dr. McBride presided over the matter.

Mr. Heffner moved that the Board accept the settlement as presented. Dr. Anwar seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 17

CONSIDERATION OF DISMISSAL WITHOUT PREJUDICE IN THE MATTER OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JAMES SULLIVAN, M.D.,
BME CASE NO. 09-11593-1

- Lyn E. Beggs, J.D., General Counsel

OPEN SESSION

Dr. Held named the adjudicating Board Members.

Ms. Beggs explained that after the formal complaint was filed in the case, additional facts were received that indicated Dr. Sullivan had not engaged in the conduct alleged in the complaint. Therefore, the Investigative Committee was recommending dismissal of the complaint.

Mr. Heffner moved that the Board accept the recommendation for dismissal. Ms. West seconded the motion, and it passed unanimously, with all adjudicating Board Members voting in favor of the motion.

Agenda Item 18

CONSIDERATION OF REQUEST OF PREM KITTUSAMY, M.D., FOR APPROVAL OF
CONTINUATION OF A HANDS-ON PERIPHERAL VASCULAR INTERVENTIONAL
PROGRAM AT VALLEY HOSPITAL AND MEDICAL CENTER IN LAS VEGAS

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels explained that this was a request for a continuation of training that was previously approved by the Board, in order to train additional out-of-state physicians in

September and November. All out-of-state physicians who will be participating are in good standing.

Dr. Rodriguez moved that the Board approve the request. Mr. Heffner seconded the motion, and it passed unanimously.

Agenda Item 19

CONSIDERATION AND ADOPTION OF BUDGET FOR REMAINDER OF FISCAL YEAR 2009 AND FISCAL YEAR 2010

- Renee West, Secretary-Treasurer; Louis Ling, J.D., Executive Director

Mr. Ling explained that the Board had been provided with two budgets for its consideration – a half-year budget to take the Board through the remainder of 2009, and a full year budget for fiscal year/calendar year 2010. He explained the Board's reserve. He stated the Board was in a financial deficit when he came onboard and he had to find a way out of it. Most of the credit for doing so and for bringing the Board's finances to their current position comes from a myriad of big and little decisions made by staff to save money in every possible way, combined with the fact that renewal fees were higher than anticipated. In preparing the proposed budgets, he tried to be as conservative and real as possible, so these budgets were prepared by assuming income at a lower than likely number and expenses at a higher than likely number. At the end of 2009, the Board should be ahead by \$55,000, and at the end of 2010, by an additional \$355,000. The Board's accountants have advised the Board it should have a six-month reserve, which would be about \$1.5 million. As of now, the Board is \$600,000 on the way toward that goal without dedicating the additional \$400,000 it will have at the end of 2010 to the reserve. He stated the proposed new spending requests were included in the budgets, as that was for the Board to decide.

Discussion ensued concerning the security of the Board's reserve monies.

Discussion ensued concerning the Finance and Accounting Manager position, and what had been done to date with respect to that position and the bookkeeping work itself.

Mr. Ling stated the Board needed to decide what it wanted to do with the Board's monetary surplus. He outlined the new spending requests, and discussion ensued.

Dr. Held moved that the Board approve the budget, including the following new spending requests: A new Administrative Assistant for Investigations, a salary increase for the existing Administrative Assistant in Investigations, the salary increases for Investigators, the replacement server, the security measures and a three percent cost-of-living increase for all staff. The following items were to be placed on hold pending additional information: the upgraded videoconference unit pending the savings of being able to videoconference to the Board Members' offices; the laptops pending a more direct cost rather than an estimate of \$500; and the computer rotation pending a direct cost and the number of computers requested. Mr. Heffner seconded the motion.

Ms. Stoess requested that Dr. Held amend his motion to add a half-time attorney position. Dr. Held did not accept the proposed amendment.

A vote was taken on the original motion, and it passed unanimously.

Ms. Stoess moved that the Board approve an additional half-time attorney until the Board's finances improve and it can afford to hire an additional full-time attorney. The motion died for lack of a second.

Agenda Item 20

DISCUSSION AND DETERMINATION CONCERNING REQUEST FOR OPINION BY SOUTHERN NEVADA HEALTH DISTRICT REGARDING WHETHER MICRODERMAL ANCHORING AND SIMILAR SINGLE-POINT BODY PIERCING PROCEDURES CONSTITUTES THE PRACTICE OF MEDICINE

- Louis Ling, J.D., Executive Director

Mr. Ling explained that the Southern Nevada Health District had submitted a request for an opinion from the Board concerning these types of procedures. He then showed the Board a video supplied by the Southern Nevada Health District which shows what is involved in these types of procedures.

Discussion ensued concerning whether these types of procedures would be considered the practice of medicine.

Mr. Ling stated he had investigated whether any other regulatory agency has jurisdiction over these procedures. They are being done in tattoo parlors, and the only agencies that regulate tattoo parlors are the County Health Departments. He then read the definition of the practice of medicine in NRS Chapter 630.

Further discussion ensued concerning whether these procedures constitute the practice of medicine.

Dr. Rodriguez moved that the Board find that Single Point Anchoring Devices constitutes the practice of medicine. Mr. Heffner seconded the motion, and it passed unanimously.

Agenda Item 21

REPORTS

- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - John H. Steinmetz, R.R.T., Advisory Committee Member
- Investigative Committees - Charles N. Held, M.D., President, Chairman,
Investigative Committee A
S. Daniel McBride, M.D., Board Member,
Investigative Committee B
 - Consideration of Cases Recommended for Closure by the Committees
- Investigations Division
 - Status of Investigative Caseload - Douglas C. Cooper, Chief of Investigations
 - Compliance Report - Investigations Division Compliance Staff
- Licensing Division - 2009 Biennial Licensure Renewals Report Lynnette L. Daniels, Chief of Licensing
- Nevada State Medical Association Liaison Report - Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Liaison Report - Benjamin J. Rodriguez, M.D., Board Vice President; Warren Evins, M.D., Ph.D., FACP, Executive Director, Clark County Medical Society

Physician Assistant Advisory Committee

No report was provided by the Advisory Committee.

Practitioner of Respiratory Care Advisory Committee

No report was provided by the Advisory Committee.

Investigative Committees – Charles N. Held M.D., President, Chairman,
Investigative Committee A
S. Daniel McBride, M.D., Board Member,
Investigative Committee B

- Consideration of Cases Recommended for Closure by the Committees

Dr. Held reported that Investigative Committee A had considered 107 cases, authorized the filing of a formal complaint in 7 cases, requested an appearance in 5 cases, issued 15 letters of concern, sent 2 cases out for peer review and recommended closure of a total of 85 cases.

Dr. Held moved to approve for closure the cases recommended by Investigative Committee A. Ms. Stoess seconded the motion, and it passed unanimously.

Dr. McBride reported that Investigative Committee B had considered 122 cases, authorized the filing of a formal complaint in 7 cases, requested an appearance in 4 cases, issued 21 letters of concern, sent 1 case out for peer review, and recommended closure of 89 cases.

Mr. Heffner moved to approve for closure the cases recommended by Investigative Committee B. Ms. West seconded the motion, and it passed unanimously.

Investigations Division

- Status of Investigative Caseload

Mr. Cooper reported that in November of 2008, the Investigations Division had 473 open investigations, which equated to 78 per Investigator. In February the caseload was 372 open cases, 62 cases per Investigator. In May there were 408 open cases, 68 per Investigator. Currently there are 485 open cases, which is 81 cases per Investigator. There has been an increase in the number of cases going to the Legal Division and what is coming back from the Legal Division to Compliance. There are currently 15 cases to be assigned to peer reviewers and 42 in the field. There were 229 cases considered by the Investigative Committees at their last meetings, 14 of those are going up to Legal, 3 are going to peer review, there will be 9 appearances for the next Investigative Committee meetings and 36 letters of concern. The total closure load for this cycle was 195. The Investigations Division requested that it be put on the record that Dr. McBride has been one of the best Investigative Committee members the Board has had and they have all learned from him. He has recused himself when appropriate and has been a good patient advocate.

- Compliance Report

Ms. Rice reported that the number of Investigations compliance files had remained steady until 2008, and then began to increase significantly. These numbers will continue to increase with the number of formal complaints being filed and action being taken on those. Currently, there are 53 open Investigations compliance files and 38 open Licensing compliance files. There has been an increase in the number of formal complaints and letters of concern. Compliance monitoring fees will also increase. Unfortunately, some compliance fees may not be paid and staff will be pursuing more aggressive collection actions.

Mr. Cooper added that they have been a little disappointed in the response they have received from some of the state agency collection efforts so they may turn these over to private collections.

Ms. Rice stated that the total collected in 2008 was \$78,883.25, with \$17,600 going to the state general fund. As of June 30, 2009, \$16,945 had been collected. The outstanding balance has increased exponentially.

Dr. Held moved to accept the Compliance Report. Dr. Rodriguez seconded the motion, and it passed unanimously.

Licensing Division – 2009 Biennial Licensure Renewals Report

Ms. Daniels reported that 7,103 physicians and physician assistants had renewed their licenses in 2009, as compared to 6,557 in 2007. The Board suspended 483 physicians and 60 physician assistants, for a total of 543, as compared to 521 in 2007, and 44 licensees requested non-renewal of their licenses. Three hundred sixty licensees renewed on paper, as compared to 547 in 2007. There have been 31 reinstatements so far – 19 active-status physicians, 12 inactive status physicians and 3 physician assistants.

Ms. Daniels thanked Dr. McBride for his great work on the Board regarding Licensing matters.

Nevada State Medical Association Report

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, reported that the Legislature had passed several initiatives related to the Hepatitis C outbreak in Las Vegas. He also provided an update concerning the activities the Nevada State Medical Association has been involved in concerning issues of injection practices and safety.

Clark County Medical Society Liaison Report

Warren Evins, M.D., Executive Director of the Clark County Medical Society, reported on recent activities of the Clark County Medical Society.

Dr. Rodriguez had nothing to report.

Agenda Item 22

EXECUTIVE STAFF REPORTS

- Legislative Update
- Consideration and Approval of Revised *Policy and Procedure* Manual
- Consideration of Request for Staff and Board Member Attendance at Educational Meetings
- Informational Items
- Louis Ling, J.D., Executive Director

Legislative Update

No legislative update was provided by Mr. Ling.

Consideration and Approval of Revised *Policy and Procedure* Manual

Mr. Ling stated that all changes requested by the Executive Committee had been made to the *Policy and Procedure* Manual, as well as some additional changes suggested by Board staff. He then outlined those changes.

Mr. Heffner moved that the Board approve the revised *Policy and Procedure* Manual. Dr. Rodriguez seconded the motion, and it passed unanimously.

Consideration of Request for Staff and Board Member Attendance at Educational Meetings

Mr. Ling outlined the requests for attendance at educational meetings that were before the Board for approval, and stated they were budgeted items.

Dr. Held moved that the Board approve the requests for training. Dr. Rodriguez seconded the motion, and it passed unanimously.

Agenda Item 23

LEGAL REPORTS - Edward O. Cousineau, J.D., General Counsel; Lyn E. Beggs, J.D., General Counsel; Keith Marcher, J.D., Senior Deputy Attorney General

- Board Litigation Status
- Board Litigation Status

Mr. Cousineau reported there had been 2 adjudications, 1 request for reconsideration, 11 proposed settlements and 1 dismissal before the Board at the meeting. Twenty-nine letters of concern were sent out following the May Investigative Committee meetings, and 40 new letters of concern would be sent out as a result of the latest Investigative Committee meetings. Eight formal complaints were filed since the last Board meeting. There were 105 open cases in the Legal Division, 29 pending formal complaints and 26 cases scheduled for hearing through December 2009. There are still three appellate issues. The Wick matter is still pending a briefing schedule in the Nevada Supreme Court, the Lakner case is pending oral argument in the Washoe District Court, and the Bass petition for judicial review was not filed timely so Mr. Cousineau will be appearing in the Eighth Judicial District Court the following Tuesday regarding the propriety of Dr. Bass' right to file his petition.

Agenda Item 24

LICENSURE RATIFICATION

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the May 8 & 9, 2009 Board Meeting

Dr. Rodriguez moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the May 8 & 9, 2009 Board meeting. Ms. Stoess seconded the motion, and it passed unanimously.

Agenda Item 25

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

25(a) Taghrid Sidhom, M.D.

Mark Broadhead, M.D., Director of the Psychiatry Residency Training Program at the University of Nevada School of Medicine, was present with Dr. Sidhom.

Dr. Held asked Dr. Sidhom whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Rodriguez questioned Dr. Sidhom concerning her negative response to Question 19 on her application for licensure when she should have responded in the affirmative.

Dr. Sidhom explained that she was put on a remediation plan for receiving a low score on a test, which she did not consider to be a legal action.

Dr. Rodriguez questioned Dr. Sidhom concerning her PGY 3 year and the information the Board had received indicating that she did not receive credit for that year.

Dr. Sidhom explained that it was the school's understanding she was lacking the required 12 months of outpatient work, but she was given credit for her PGY 3 year.

Dr. Rodriguez moved that the Board grant Dr. Sidhom's application for a limited license for residency training. Mr. Heffner seconded the motion, and it passed unanimously.

25(b) John Lewis, M.D.

Dr. Held asked Dr. Lewis whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Held moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Upon returning to Open Session, Dr. Rodriguez moved that the Board grant Dr. Lewis' application for a change in license status from inactive to active. Mr. Heffner seconded the motion, and it passed unanimously.

25(c) Daniel D. Small, II, R.R.T.

Dr. Held asked Mr. Small whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. West questioned Mr. Small concerning his affirmative responses to Questions 12, 20 and 21 on his application for licensure.

Mr. Small described the circumstances surrounding his arrest for possession of a controlled substance in 2006, his completion of the Clark County Drug Court mandated program, and his participation in the Nevada PRN program.

Ms. West moved that the Board grant Mr. Small's application for licensure, contingent upon successful completion of his contract with the Nevada PRN, which allows for early termination if the program deems appropriate. Dr. Rodriguez seconded the motion, and it passed unanimously.

25(d) Garry Forkosh, M.D.

Dr. Held asked Dr. Forkosh whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Held moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Upon returning to Open Session, Dr. Forkosh withdrew his application.

25(e) Stephen T. Vargo, M.D.

Dr. Held asked Dr. Vargo whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Held moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Upon returning to Open Session, Dr. McBride moved that the Board grant Dr. Vargo's application for licensure contingent upon participation in and completion of his contract with the Diversion Program. Mr. Heffner seconded the motion, and it passed unanimously.

25(f) William Dougan, M.D.

Dr. Held asked Dr. Dougan whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Held questioned Dr. Dougan concerning the fact that he had not practiced clinical medicine since 2002.

Dr. Dougan described what he had been doing since that time and said he had kept current by attending CME courses. He stated if he were granted a license, he planned to practice volunteer outpatient gynecology for the underserved in Las Vegas and would not be performing any surgery.

Dr. Rodriguez questioned Dr. Dougan concerning the malpractice case he had failed to report on his application for status change, but had disclosed on his initial application in 2003.

Dr. Dougan explained that it was an oversight; that he thought that he had included the case when he completed his application for status change.

Dr. McBride moved that the Board grant Dr. Dougan's application for a change in license status from inactive to active. Mr. Heffner seconded the motion, and it passed unanimously.

25(g) Rebecca Edgeworth, M.D.

Dr. Held asked Dr. Edgeworth whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Ms. West questioned Dr. Edgeworth concerning the fact that she had not practiced clinical medicine since 2007.

Dr. Edgeworth described what she had done since that time and said that she had stayed current by studying for the Internal Medicine Boards and taking CME courses.

Ms. West moved that the Board grant Dr. Edgeworth's application for licensure. Dr. Rodriguez seconded the motion, and it passed unanimously.

25(i) Maria T. Camacho, M.D.

Dr. Held asked Dr. Camacho whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Held questioned Dr. Camacho concerning the fact that she had been unable to obtain direct-source Form 1 verification of her medical education or official transcripts from her medical school.

Dr. Camacho explained why she had been unable to obtain that documentation.

Dr. Held stated the Texas Medical Board has certified that they have obtained primary-source verification on Dr. Camacho, but they will not provide copies to the Nevada Board.

Dr. Held moved that the Board grant Dr. Camacho's application for licensure. Ms. Stoess seconded the motion, and it passed unanimously.

Agenda Item 26

MATTERS FOR FUTURE AGENDA

Dr. Held stated that the Board will revisit where the Legal Division stands with respect to the possibility of hiring a third General Counsel, and will assess the CMT process.

Mr. Ling stated that elections for Board officers would be held at the next meeting because the new Board Members will have been appointed by then and we will again have a full Board. Restructuring of the Investigative Committees should also be discussed.

Discussion ensued concerning how the Investigative Committees might be restructured.

Mr. Ling stated that the Advice from the Attorney General's Office is that a Board Member may remain on the Board after his or her term has expired until the Governor has appointed someone to replace him or her.

Agenda Item 27

PERSONNEL

Closed Session

- Annual Review and Discussion of Professional Competency of Staff
 - Benjamin J. Rodriguez, M.D., Vice-President and Chairman of the Internal Affairs Committee;
 - Louis Ling, J.D., Executive Director

Open Session

- Set Staff Compensation
 - Benjamin J. Rodriguez, M.D., Vice-President and Chairman of the Internal Affairs Committee;
 - Louis Ling, J.D., Executive Director

- Annual Review and Discussion of Professional Competency of Staff

Dr. Held presented a plaque to Dr. McBride and reiterated that Dr. McBride had been an excellent addition to the Board. Dr. McBride thanked everyone.

Dr. Rodriguez moved to go into Closed Session to discuss the professional competency of Board staff. Dr. McBride seconded the motion, and it passed.

No action was taken upon returning to Open Session.

- Set Staff Compensation

Mr. Ling stated that in addition to the money the Board approved for equalizing those positions in Investigations, some equalization also needed to be made in Licensing, which may cost as much as an additional \$4,000 or \$5,000.

Discussion ensued as to how the equalization in Licensing might be accomplished.

Ms. West moved that the Board authorize Ms. Ling and Ms. Daniels to make the appropriate adjustments. Mr. Heffner seconded the motion, and it passed unanimously.

Agenda Item 28
PUBLIC COMMENT

Dr. Held asked whether there were any members of the public present who would like to make a public comment, and there were none.

ADJOURNMENT

Dr. McBride moved to adjourn the meeting. Mr. Heffner seconded the motion, and it passed. Dr. Held adjourned the meeting at 4:05 p.m.

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